

REMARKS

Claims 1-6 and 8-10 remain in the application with claims 1, 6, and 8 having been amended hereby and claim 7 having been cancelled, without prejudice or disclaimer.

Reconsideration is respectfully requested of the rejection of claims 1 and 3-10 under 35 USC 103, as being unpatentable over the so-called admitted prior art in view of Harrell.

It is respectfully submitted that the so-called admitted prior art is the exact opposite of the structure provided by the present invention. That is, the so-called admitted prior art, as represented in Fig. 1, shows a push bar, having two springs, and latch elements having ramps thereon. In order to activate the unlatching mechanism, the push bar is pushed, therefore, it must have a certain mass and rigidity otherwise it would simply bend. Pushing the push bar causes the backward facing springs to be compressed and causes the ramps on the latches to be slid backward off of the catch elements.

The present invention is intended to improve over this system and, in fact, does so by providing a completely opposite approach to the structure of the latch assembly by providing a pull rod, not a push rod, so that the pull rod operates in tension not in compression as the prior art push bar and, thus, the rod can be substantially thinner.

Harrell shows a vending machine that has an actuator bar that is a steel rod with a knob at one end and an assembly at the other end to actuate a mechanism to release goods. The steel bar or actuator of Harrell shown at 11 would function

exactly as the push bar 2 in the so-called admitted prior.

Accordingly, it is respectfully submitted that there is nothing in either reference to suggest a combination as made by the examiner and, moreover, there is nothing in either reference to suggest the use of a thin, plastic pull rod that operates in tension to bend the arms of the plurality of springs and disengage the latches.

Clearly, there is nothing in the so-called admitted prior art that would suggest such a modification of the assembly of Fig. 1 because, in fact, that structure works quite well and is in use in such dispenser systems. Nevertheless, the present invention is an inventive improvement thereover.

As was held by the Court of Appeals for the Federal Circuit in *In re Fritch*, 972 F2d 1260, 23 USPQ F2d 1780 (Fed. Cir. 1992) the mere fact that the prior art may be modified to reflect features of the claimed invention does not make modification, and hence the claimed invention, obvious unless desirability of such modification is suggested by the prior art. The claimed invention cannot be used as an instruction manual or template to piece together teachings of the prior art so that the claimed invention is rendered obvious:

In the instant case, there is nothing in Harrell to suggest a thin plastic pull rod in place of the metal actuator bar 11 and clearly, as noted hereinabove, the so-called admitted prior art does not suggest the claimed invention.

Reconsideration is respectfully requested of the rejection of claim 2 under 35 USC 103, as being unpatentable

over the so-called admitted prior art in view of Harrell and further in view of Hern et al.

Claim 2 depends from claim 1 and has the further structural limitation of the O-ring seal.

Hern et al. is cited for showing a use of an O-ring in a latch mechanism.

Nevertheless, Hern et al. does not supply the missing teaching relating to a thin plastic pull rod that operates in tension to actuate latch elements, as taught by the present invention and as recited in the amended claims.

Reconsideration is respectfully requested of the rejection of claims 1 and 3-10 under 35 USC 103, as being unpatentable over Wade et al. ('773) in view of Harrell.

Wade et al. ('773) relates to a locking mechanism for a soap dispenser and employs a push bar 78 shown in Fig. 3 to cooperate with the latching elements and to provide the spring elements. As clearly seen in Fig. 3, the push bar 78 is nothing like a thin, plastic pull rod and, in fact, is quite substantial and even has reinforcing elements attached thereto.

Accordingly, it is respectfully submitted that Wade et al. ('773) gives no clue as to the provision or usefulness of a thin, plastic pull rod that might operate in tension, as in the presently claimed invention.

Similarly, the steel actuator rod of Harrell makes no suggestion concerning the use of a tension-type operation using a thin, plastic pull rod, as in the presently claimed invention.

Reconsideration is respectfully requested of the rejection of claim 2 under 35 USC 103, as being unpatentable over Wade et al. ('773) in view of Harrell and further in view of Hern et al.

Claim 2 depends from claim 1, which for the reasons set forth hereinabove is thought to be patentably distinct over the cited references and, for at least those very same reasons, claim 2 is also submitted to be patentably distinct thereover.

In regard to paragraph 7. of the instant official action it is respectfully submitted that the teaching of Harrell does not relate to either tension or compression. Designing elements using steel rods does not have as an object the determination whether or not the rod is of sufficient strength to operate in tension and/or compression. It is respectfully submitted that thin plastic rods are not suggested by steel bars, as in Harrell.

Furthermore, the handle of the present invention is intended to be elongated so that it is grasped by both left and right hands at the same time, so as not to provide an adverse stress to the thin plastic pull rod. Clearly the spherical knob of Harrell cannot be grasped by both hands, although it can be grasped by either hand, as noted by the examiner.

Moreover, it is respectfully submitted that the present invention does not involve a reversal of components. The thin, plastic pull rod of the present invention is not reverse

version of the push rod of the so-called admitted prior art, nor is it the reverse of the push bar of Wade et al. ('773). This reversal relates to moving the same components around in different positions but not for substituting different mechanical elements that are not the equivalent, as in the present invention.

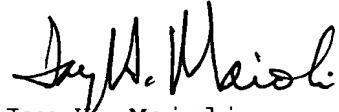
Accordingly, by reason of the amendments made to the claims hereby, as well as the above remarks, it is respectfully submitted that a cover latch for a dispenser, as taught by the present invention and as recited in the amended claims, is neither shown nor suggested in the cited references, alone or in combination.

The reference cited as of interest has been reviewed and is not seen to show or suggest the present invention as recited in the amended claims.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

COOPER & DUNHAM LLP



Jay H. Maioli
Reg. No. 27, 213

JHM:gr